

Wabash County Plan Commission

Wabash County Courthouse • One West Hill Street, Suite 205 Wabash, IN 46992

(260) 563-0661 ext. 1252, 1267 • plandirector@wabashcounty.in.gov

Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Patty Lengel, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Meeting Minutes of Thursday, November 2, 2023

Roll call was taken with the following present:

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Mark Milam, Doug Rice, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Patty Lengel, Christian Rosen

Others present: Nicky Burnsworth, Bill Burnsworth, David Blocher, Cheryl Ross, Lori Mills, Tom Mills, Billie Roth, Shad Roth. Ada Ebert, Jimmy Moore, Dino Buljubasic spoke, but not signed in.

The Wabash County Plan Commission Board met on Thursday, November 2, 2023 in the Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Chairman Mr. Randy Curless.

Mr. Curless stated first on the agenda was a review of the minutes from the October 5, 2023 meeting. Motion to approve the minutes as written was made by Mr. Dawes, second by Mr. Vogel. Roll call was taken, motion passed 6-0-1, with Mr. Hann abstaining because he was not in attendance at the October meeting.

Mr. Curless indicated next on the agenda would be the Unsafe Premise Order for 320 Washington Street Land Trust for property located at 320 Washington Street, Lagro. Mr. Campbell informed the board the Unsafe Premise Order was filed on October 3, with copies being sent certified mail and standard mail after numerous attempts to contact the owner regarding a complaint filed by the Town of Lagro. The board reviewed pictures Mr. Campbell had taken of the property (including the home and two sheds), showing no signs of improvement. He stated he had received no contact from the owner until this evening's meeting. Mr. Dino Buljubasic introduced himself as a representative on behalf of the property management company. Mr. Thrush asked who was the trustee of the land trust; Dino stated Nathan McCain. Mr. Vogel asked what the plans were for the property. Dino replied they intend to bring it up to code and sell it. Mr. Vogel stated he would like to see the property sealed up from the elements soon, including the skirting, broken windows, doors that are not properly secured and the roof. Mr. Rice asked how soon they plan to start working on the property. Dino responded that they would like to start next week; they have already cleaned out the interior. Mr. Vogel asked how long they have owned the property. Dino replied that he is not sure, it was purchased in a tax sale. Mr. Campbell shared with the Board the tax deed was dated January 17, 2023, where the property was acquired through the tax sale. Mr. Thrush asked Dino if he was aware that Indiana law requires them to notify a potential buyer about the Unsafe Premise Order; Dino indicated he was aware of that. Mr. Vogel then verified with Dino that the property was purchased in tax sale and if the redemption period was up on it; Dino stated it was. Mr. Rice asked how long he felt it would take to complete the

work. Dino responded he anticipated three months or so, considering they are struggling to get help and the poor condition of the roof. Mr. Vogel encouraged him to get the work done sooner than later due to the cold weather, and asked if he would be doing the work himself. Dino stated he might do some of the work, but typically he sets up work orders and takes pictures of the properties. Mr. Campbell asked who would be doing the work; Dino replied they have a few crews that work for them. Mr. Vogel then asked about the address of the management company. Dino responded the office address is 5424 McFarland Road in Indianapolis; and that he personally lives in Greenwood, Indiana. Mr. Vogel asked if there was water and electricity on the property. Dino answered there are no utilities on at the location. Mr. Rice stated he would like to see the property boarded up, with windows and doors secured, and the trash removed from the shed as soon as possible. Mr. Hann added that he would like to see those completed and additionally fix the hole on the floor and cover the roof. Mr. Hann stated he felt the board should review again in 30 days for completion, and if not complete the board would consider going forward with the Unsafe Premise Order. There being no further questions or discussion from the board or members of the public, Mr. Curless asked for a motion. Mr. Hann made the motion to review the property again in 30 days, with the owner having 30 days to board up the exterior, fix the hole in the floor, cover the roof, and remove the trash from the shed. Second by Mr. Rice. Roll call vote was taken; motion passed unanimously. Dino was reminded an update will need to be given at the December 7th Plan Commission meeting.

Mr. Curless stated next on the agenda was Ada Ebert, with an Unsafe Premise Order. Mr. Campbell informed the board Ms. Ebert owns the property located at 11465 S State Road 15, Lafontaine in Liberty Township. The residence burnt in 2022 and had been left standing with holes in the roof, broken windows, and structure concerns with the basement walls. Ms. Ebert had been in to discuss options with Mr. Campbell and then never completed the clean up of the residence, which led to the Unsafe Premise Order being issued. Ms. Ebert was present with Jimmy Moore, the contractor she hired to raze the structure. Mr. Campbell shared pictures of the site and completed work of Mr. Moore. He reminded the board that prior to fire there was a complaint made on the property earlier in 2022 for junk vehicles and trash on the property. Ms. Ebert informed the board one truck has been removed and the other one should be removed by tomorrow morning, along with the scrap pile by the camper. The camper is hers, and she indicated she plans to keep it. She stated she does have a pile of stuff for a dumpster, and has previously taken three dumpsters off the property. Mr. Campbell asked about the boat(s) and vehicle(s) in the back corner of the property, noting that due to overgrowth it was hard to see how many are back there. Ms. Ebert said she was unsure as she was not aware that was her property. She stated she would look into it. She added that she intends to move the existing propane tanks close to the camper. Mr. Campbell asked if she had a timeline for completion of the clean-up; she responded she did not. Mr. Vogel asked if she intends to build on the parcel; Ms. Ebert replied that Mr. Campbell had told her she could not rebuild there. Mr. Campbell clarified that response by adding that she could not rebuild there without getting septic approval from the Health Department first. Ms. Ebert replied that she might look into a composting toilet; she was advised she would need to discuss that with Health Department. Mr. Campbell asked her to keep in contact with the Plan Commission Office on her progress. Board members discussed time limits for completing the clean-up. There being no further questions or comments, Mr. Curless asked for a motion. Mr. Rice made a motion to review the property again in three months, at which time the debris should be picked up. Second by Mr. Vogel. Roll call vote was taken; motion passed unanimously. Ms. Ebert requested a letter with the deadline information and date of the next meeting for the property. Mr. Campbell verified her mailing address and stated he would send letter out.

Mr. Curless stated next on the agenda was Special Exception #10, Jeremy & Mikki Warnock, request for a pond at 4407 E 500 N, Urbana in Lagro Township. Mr. Campbell explained to the Board that he had been contacted by Mr. Warnock and he has not been able to get anything from the property owner next door yet indicating they are okay with the pond dumping water on the property in a way that is not natural to the property. Mr. Vogel made a motion to continue Special Exception #10 for the Warnock pond to the December meeting; second by Mr. Rice. Roll call vote was taken; motion passed unanimously.

Mr. Curless stated next on the agenda was Special Exception #11, Community Capital Partners LLC / Tom Mills, request for a pond at 7259 E 250 N, Andrews in Lagro Township. Mr. Campbell informed the Board Mr. Mills had applied for a special exception with property line variances to construct a pond. The Drainage Board has given a favorable recommendation for the proposed pond. Board members reviewed the application and drawings submitted. Mr. Campbell asked if board members felt there should be a barrier between the pond and driveway since it is about 20' between the edge of the pond and drive. Mr. Hann stated he felt that should be the property owner's decision. Mr. Rice asked about access; Mr. Campbell stated there is a shared easement with the Schnelker property. Mr. Curless asked if there were any further questions or comments from board members or others present; there being none he asked for a motion. Mr. Hann made a motion to give a favorable recommendation to the Board of Zoning Appeals; second by Mr. Dawes. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Mills the pond will now go before the Board of Zoning Appeals on November 28th.

Mr. Curless stated next on the agenda is Special Exception #12, Adam Knowles for a request to manufacture firearms in Ag 1 zone on property located at 2759 W 300 N, Wabash in Noble Township. Mr. Campbell shared with the board he received a call on October 13th from the ATF asking if Mr. Knowles' property was properly zoned for manufacturing of firearms. Mr. Campbell informed the ATF representative of the prior approved Special Exception in 2020 approving operation of a firearm coating business including gun accessory sales, gun cleaning & repair, and to operate a shipping / receiving hub for firearms. Mr. Campbell stated a few days later Mr. Knowles contacted the Plan Commission Office asking for information needed to upgrade his license through the ATF to be able to manufacture firearms or firearm parts. Mr. Knowles emailed the request to Mr. Campbell, and he supplied the Board members with copies. Mr. Knowles request would be to use existing buildings, but to expand the scope of his use. Mr. Campbell shared the ordinance does not list manufacturing in any zone, just industrial uses. Mr. Rice asked if Mr. Knowles would be manufacturing specialty weapons. Mr. Knowles replied, specialty weapons fall under the 1986 Firearm Act, suppressors, fully automatic weapons, things like that fall into that specialty category. If approved to get a manufacturer's license he can do an additional special occupancy tax so that he can deal in those specialty items. He indicated that would be further down the line, but, if possible, he would like to be cleared for that now rather than coming back in a few months for it. Mr. Campbell stated in discussing with the ATF representative, they did not want to discuss much without knowing if the property was zoned appropriately first. Mr. Knowles explained to the Board that as a manufacturer he would be able to buy de-milled guns. When the military gets rid of a gun it has to be cut in three places. If a person knows what they are doing, those pieces can be welded back together, a Form 2 would have to be filed with the ATF and the serial number is reactivated and registers it to your business. Mr. Knowles explained the process of using 80% completion items; which are not recognized by the ATF as a firearm. If he were to use an 80%, as a manufacturer it would be serialized, registered, and documented. Mr. Knowles assured the board if he did not intend on going through the process properly, he would not be coming before the board for approval. He added that he has a CNC lathe and mill already. Mr. Dawes asked how many he thought he would complete in a year; Mr. Knowles stated he felt five a year would be quite a few. He anticipates doing some customizing with the CNC, but as there is a fine line between determining if that is gunsmithing or manufacturing he chose to apply for the manufacturing license to insure he is covered. He would probably finish some 80% if granted the license, but they would all be serialized and registered to his company. If he were to sell it, the customer would have to come to his shop to get appropriate background check and paperwork filed. Mr. Vogel asked if he would be doing fully automatic; Mr. Knowles stated with an O2 Special Occupancy he could, but a customer would not be able to purchase it, it would be owned by his company and could only be sold to another manufacturer. Mr. Dawes asked if Mr. Knowles had discussed the plans with his neighbors. Mr. Knowles stated he had, and so far, everyone has been fine with it. He noted he is getting new neighbors and will discuss with them as well. Mr. Curless asked if there were any further questions or comments; there being none, he asked for a motion. Mr. Dawes made a motion to give a favorable recommendation to the Board of Zoning Appeals; second by Ms. Slee. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Knowles the Special Exception would be heard by the Board of Zoning Appeals on November 28th.

Mr. Curless asked Mr. Campbell to provide a complaint update to the Board. Mr. Campbell stated:

- 72 Complaints have been worked in 2023, 63 of those 72 are new complaints
- 26 Complaints have been resolved
- Curt Arnett property (23 W. Branson St., Lafontaine) Unsafe Premise Order Update: Mr. Campbell spoke with Dave (Curt's son) today. Dave informed Mr. Campbell the contractor would not be back for approximately 3 weeks. There is still work to be completed at the steps going to the basement and the steps going upstairs. Dave indicated the van has not been moved yet. Board Members discussed and asked Mr. Campbell to notify Dave that if the van is not moved within one week it would be tagged for towing.

Mr. Curless then asked if there was any other business from board members. The following items were brought before the Board:

- Mr. Campbell informed board members he had forwarded a letter with a request for ordinance review from Shad Roth of Long Lake Campground. Mr. Campbell plans to have the request on the December agenda for Board discussion.
- Mr. Campbell informed board members he would like to discuss the form draft he provided at a prior meeting regarding razing a home after construction of a new home in A1 & A2 zones, where only 1 residence per parcel is permitted by the current zoning ordinance.
- Mr. David Blocher thanked board members for the time they spend serving. He stated he has learned a lot about the processes in the past couple months but still has questions and more to learn. He indicated he would like to see the processes communicated better to the community and would be happy to partner with the Board to help bring awareness of the zoning ordinance and processes required. Mr. Blocher feels contractors may require training on the zoning ordinance requirements and expectation. Mr. Vogel thanked Mr. Blocher for attending and reminded him the public is always welcome to attend. Mr. Campbell also updated the Board that Mr. Blocher has been in contact with him regarding screening for his project. Mr. Curless inquired about the BZA ruling on Mr. Blocher's project. Mr. Vogel responded that the first hearing ended with a 2-2 vote; it was heard again at the next meeting where the vote was 4-0. Mr. Vogel noted that they discussed it being screened and for personal use only. He added the BZA also reminded Mr. Blocher that if there were complaints filed it was likely they would have to revisit it.

There being no further business Mr. Curless asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, seconded by Mr. Rice. Vote on the motion was taken, carried unanimously. Meeting adjourned at 8:25 pm.

*Amanda Lyons
Secretary, Wabash County Plan Commission Board*

**If any names are incorrect, spelled incorrectly, or omitted from the attendance in these minutes, we apologize.*

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